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OCT 06 2011

In re Patent of Toth	:	OFFICE OF PETITIONS
Patent No. 6,463,640	:	
Issue Date: October 15, 2002	:	Request for Information
Application No. 09/483,145	:	
Filing Date: January 13, 2000	:	
Attorney Docket No. Atomic-10	:	

Request for Information

This communication responds to the renewed petition under 37 C.F.R. § 1.378(b) filed April 11, 2011, and responds to a letter filed April 22, 2011.

By Petitioner's own admission, the Tachner firm, or persons employed by that firm, have not been truthful with the USPTO. Furthermore, there is a specter of bias in the declaration of Dr. Albert since, at the time of his diagnosis, he was not Janis Foreman's doctor and he was paid to provide his opinion by Mr. Tachner. The record fails to include any evidence corroborating Dr. Albert's diagnosis. Given the circumstances of this case, corroborating evidence for Dr. Albert's diagnosis is required.

It is extremely odd that the people that were closest to Ms. Foreman did not notice that, as stated by Dr. Albert, she exhibited "destabilizing behavior" or that "she lost her sense of reality" or "lost her sense of proportionality." Further, as stated in Mr. Tachner's declaration, it appears that for about two years, Ms. Foreman was failing to bill clients or pay firm obligations even though the performance of these tasks appears to have been her primary duty. Therefore, it is not clear from the record how Mr. Tachner could have failed to recognize Ms. Foreman was failing to properly bill clients and pay firm obligations.

In response to the instant request for information, Petitioner is required to provide a rebuttal to all the assertions set forth in the petition filed July 21, 2010 in U.S. Patent No. 6,205,885.¹ Furthermore, Petitioner must explain why the current explanation provided in this case is any more believable than other explanations previously provided. Petitioner is required to provide

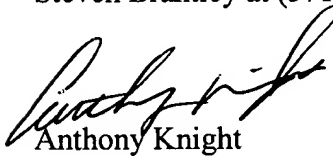
¹ A copy of the petition can be accessed using the Office's Public Patent Application Information Retrieval system located at <http://portal.uspto.gov/external/portal/pair>.

corroborating evidence of Ms. Foreman's condition from a source that is independent of Dr. Albert. Additionally, Petitioner must fully discuss how the actions of Ms. Foreman, with regard to the docket, went undetected from early 2005 until January 2011. Further, Petitioner must explain how Ms. Foreman's failure to bill clients and pay firm obligations went undetected from early 2005 until the end of 2007.

Petitioner must submit the requested information within TWO MONTHS of the mailing date of this letter. Extensions of time may not be obtained. No additional fee is due for a response to the instant request for information. The response to this Requirement for Information should include a cover letter entitled "Response to Request for Information." The failure to file a reply to the instant Request for Information will be interpreted as a desire to no longer pursue reinstatement of the patent and the Office will give no further consideration to the matter.

Petitioner filed a letter on April 22, 2011, in this case and in Patent No. 5,803,073. The letter states, "We have noticed that [an] extra \$1,240 in fees was charged for 6,463,640 on April 14, 2011." The letter requests the Office "correct the overcharge." The April 11, 2011 petition filed in this case instructed the Office to charge the deposit account \$1,240 for the 7.5 year maintenance fee and \$400 for the request for reconsideration. The Office charged the deposit account \$2,880 and \$400. Therefore, a refund of \$1,640 (\$2,880 - \$1,240) is warranted and the sum of \$1,640 has been credited back to the deposit account.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Anthony Knight
Director
Office of Petitions